GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Forest Department - Disciplinary case of Sri J Hari Babu, ACF (retd) former DFO Krishna Division - Article of Charge issued - Inquiry finalized and findings received -Imposing a penalty of 10% cut in pension for a period of five (5) years against the Charged Officer - Show-Cause-Notice Issued - Explanation received – Final Orders – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (SEC.IV) DEPARTMENT

G.O.MS.No. 50 Dated:27-05-2016.

Read the following:

1. From the Prl.CCF Lr.Rc.No.36403/2013/Vig-3, Dt:05.08.2014.
2. G.M. No. 4828/For.IV/A1/2014, dt. 19.01.2016.
3. From the PCCF, Lr. Ref. No. 36403/2013/A&DC-2, dt. 23.02.2016.
4. Govt. Lr. No. 4828/For.IV/A1/2014, dt.16.03.2016
5. From the Prl. Secretary, APPSC, Lr. No. 255/DC&C/2/2016, dt. 06.05.2016.

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In the reference 1st read above, the Principal Chief Conservator of Forest informed that an Article of Charges was issued against Sri J.Hari Babu, Assitant Conservator of Forests (retd) former Divisional Forest Officer, Krishna Division vide reference Principal Chief Conservator of Forests, A.P., Hyderabad Rc.No. 18726/2013-P1(iii) dt.12.06.13, on the following count:

Article: That he has committed gross irregularities by including Peeling Machinery in the Saw Mill Licenses, in violation to provisions of Andhra Pradesh Saw Mills (Regulation) Rules, 1969, orders of Hon'ble Supreme Court of India/Central Empowered Committee, and contravention to the instructions of Prl. Chief Conservator of Forests office.

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2. The Charged Officer acknowledged Article of Charge on 20-06-2013 and submitted explanation dated 03-08-2013. After examining the same, the Conservator of Forests, Rajahmundry and Divisional Forest Officer, Vijayawada were appointed as Inquiry Officer and Presenting Officer respectively, for conducting regular inquiry vide PCCF Rc.No.18726/2013-P1 (i)&(ii) dt.17.09.13.

3. The Inquiry Officer conducted enquiry and submitted findings vide CCF Rc.No.4172/2013-M8, dt.9-01-2014, wherein he has held the charge proved and observed that:-

- In respect of Indira Ply Woods the Charged Officer in his Rc.No.2837/2010/V4, dt.29.07.2010, informed the owner of the industry that the peeling machine requires license and he has to pay Security Deposit, License fee and other documents along with application and on receipt of application the matter would be reported to the State Level Committee which was constituted for issuing permission for fresh license. Subsequently, in his proceedings DOR No.7/2010/11, dt.08.09.2010 he imposed penalty of Rs.10,000/- for fixing (3) Peeling Machines without license and directed the owner to remove them immediately in accordance with the orders of Hon'ble Apex Court in W.P.no.202/95.

- In respect of Ganesh Industries, Surampalli, the Charged Officer vide Rc.No.3984/2011/V4, dt.05.12.2011 issued 'NOC' for establishing pressing unit for preparation of plywood boards by using hot press machinery on the plea that proposed unit did not come under the definition of Saw Mill. Later, he cancelled the NOC

duly quoting the orders of Hon'ble Supreme Court dated 30.10.2002 and 16.11.2002 in W.P.No.202/95.

- The Charged Officer issued NOC in the case of Lakshmi Plywood Industry, Surarampalli on 5.6.2009 for establishing a pressing unit. Later, he cancelled the NOC on 20.11.2012 citing the Hon'ble Apex Court orders.

- In respect of Agarwal Ply Wood Industry, Surarampalli the Charged Officer issued 'NOC' on 5.12.2011 on the ground that the unit got license of sister concerned departments prior to the Hon'ble Apex Court verdict and the hot pressing machine is used for pressing of Mango Euca, and rubber core veneer but not for any sawing, cutting or conversion of timber as defined in the Saw mill Rules. Subsequently, the Charged Officer cancelled the same on the ground of Judgment of Hon'ble Supreme Court of India.

- The Charged Officer has thus taken self contradictory stands while dealing with the Saw Mill/Wood Based Industries issues. Though he was well aware about the orders of Hon'ble Supreme Court dated 30.12.2002 he gave license / NOCs to Saw mills in violation of the provisions enshrined in the orders of the Supreme Court/ minutes of CEC/executive instructions of Prl. Chief Conservator of Forests.

4. The findings of Inquiry Officer were communicated to the Charged Officer vide PCCF Rc.No.36403/2013/K3,dt.27-01-2014(Final Notice) for submitting further defence statement. The Charged Officer submitted his further defence statement on 14-04-2014.

5. The Charged Officer has retired from service on attaining the age of superannuation on 30.06.2013. Hence the disciplinary proceedings are continued under Rule 9 of AP Revised pension Rules, 1980.

6. After careful examination of the matter, with reference to the findings of the Inquiry Officer, the remarks of the Prl. Chief Conservator of Forests, and material made available, Government have observed that the charge framed against the Charged Officer is held proved and provisionally decided to impose a penalty of 10% cut in pension for a period of (5) years against Sri J. Hari Babu, ACF(Retd.), the then DFO, Krishna, under rule 9 of A.P. Revised Pension Rules, 1980.

7. Accordingly a Show-Cause-Notice was issued to the retired officer vide reference 2nd read above. The Prl.CCF, A.P., Hyderabad, vide ref.3rd read above has informed that, the Charged Officer did not submit his further defense statement to the Show Cause Notice and permitted time is over.

8. Government, after careful examination of the matter hereby order to impose a penalty of 10% cut in pension for a period of (5) five years against the retired Charged Officer Sri J. Hari Babu, ACF(Retd.), under Rule 9 of A.P. Revised Pension Rules, 1980.

9. The Principal Chief Conservator of Forests, A.P. Hyderabad is directed to take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASHWINI KUMAR PARIDA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Principal Chief Conservator of Forests, A.P., Hyderabad.
The Individual (through Principal Chief Conservator of Forests).

Contd…

Copy to:
The Accountant General (A&E) A.P., Hyderabad.
The Director of Treasuries & Accounts, Hyderabad, A.P.
The Principal Secretary, A.P. Public Service Commission, Hyderabad
(with ref. to Lr.No.255/DC&C/2/2016, dt.06.05.2016).

Sf./Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER